

APPEAL NO. 170819  
FILED MAY 9, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 19, 2016, and again on March 8, 2017, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) reached maximum medical improvement (MMI) on July 12, 2012, and (2) the claimant's impairment rating (IR) is zero percent. The claimant appealed, disputing the hearing officer's determinations of MMI and IR. The claimant contends the hearing officer erred by failing to add an extent-of-injury issue. The respondent (carrier) responded, urging affirmance of the disputed MMI and IR determinations.

DECISION

Affirmed in part and reversed and rendered in part.

The parties stipulated that on (date of injury), the claimant sustained a compensable injury and that the carrier has accepted as compensable right wrist tenosynovitis. We note that the parties stipulated on the record at the CCH that the date of statutory MMI is January 19, 2015, but that stipulation was not included in the hearing officer's decision and order.

The claimant sought to add an extent-of-injury issue. The request to add this issue was denied. The issue was not raised at the benefit review conference, the parties did not consent to adding the issue, and the hearing officer did not find good cause to add the issue. Under these circumstances, we perceive no abuse of discretion on the part of the hearing officer in denying the request to add an issue. *Downer v. Aquamarine Operations, Inc.*, 701 S.W.2d 238 (Tex. 1985); *Morrow v. H.E.B., Inc.*, 714 S.W.2d 297 (Tex. 1986).

MMI/IR

The hearing officer's determination that the claimant reached MMI on July 12, 2012, is supported by sufficient evidence and is affirmed.

The hearing officer's determination that the claimant's IR is zero percent is supported by sufficient evidence and is affirmed.

**GOOD CAUSE FOR FAILURE TO ATTEND CCH**

The hearing officer specifically added the issue of whether the claimant had good cause for failing to appear for the September 19, 2016, CCH. The hearing officer specifically found that the claimant had good cause for failing to appear at the September 19, 2016, CCH. That finding is supported by sufficient evidence. However, the hearing officer failed to make a conclusion of law or decision regarding the good cause issue. Accordingly, we reverse the hearing officer's decision as being incomplete and render a decision that the claimant had good cause for failing to appear at the September 19, 2016, CCH.

The true corporate name of the insurance carrier is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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K. Eugene Kraft  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge